

FREE EDUCATION

SUMMARY

The 2011/2012 San Diego County Grand Jury (Grand Jury) was asked to investigate several complaints alleging public schools in San Diego County had illegally charged fees for:

- School sports physicals
- Summer school programs
- High school transcripts

Several school districts were contacted to determine how they are handling the issue of these and other fees.

The Grand Jury found that all districts interviewed have a clear understanding of what is included in a free education. The issue has been underscored in the last year or two as a result of a major court case and resulting legislation.¹ Administrators believe all school personnel understand this issue as a result of the training and oversight each district provides. Some larger school districts have staff members available to provide legal consultation as well as internal audits of collection practices and of the funds received. However, there continues to be some confusion among teachers, parents, and non-staff personnel - such as part-time coaches and ad-hoc parent groups who raise funds in the name of schools. Parent groups occasionally form spontaneously around a specific school activity. These groups may or may not have school sanction. Nor do they receive training in clarifying mandatory versus discretionary fees to their target populations.

School administrators state that adequate school supplies are provided by the schools. Some teachers had reservations about these resources being adequate. Additional information shows that they remedy their needs by looking to groups, such as PTAs, local businesses, foundations, etc, which make voluntary contributions and raise money through acceptable channels. Teachers also make significant contributions out of their own funds.²

The Grand Jury recommends a uniform policy for the establishment of mandatory and discretionary fees be adopted throughout the county. The Grand Jury also recommends uniform training guidelines for the collection of school fees is implemented throughout.

The Grand Jury commends all teachers for their extra efforts to ensure their students' success.

INTRODUCTION

Students in California have been guaranteed a free education since 1879.³ They have been guaranteed a quality education since 2006.⁴ The funding of quality education, free and equally accessible to all students, has become more complex in the past several years. Fees for services,

¹ *Doe v State of California* (2010), Cal. Assem. Bill No. AB165 (2011-2012), Cal. Assem. Bill No. AB1575(2012)

² Nagel, *Teachers Spend \$1.3 Billion Out of Pocket on Classroom Materials*, The Journal.com (Sept. 24, 2010)

³ Cal. Const., Article 9, Section 5

⁴ Quality Education Investment Act (QEIA) Sen. Bill No. 1133 (2005-2006 Reg. Sess.)

equipment and material not previously envisioned have increased as technology requirements have changed.⁵

The Grand Jury received citizen complaints alleging student fees being assessed improperly or illegally in San Diego County for school sport physicals, summer school sessions and high school transcripts. The Grand Jury conducted interviews and examined state and local laws in San Diego County to determine how the fee issue was being handled.

PROCEDURE

The Grand Jury interviewed County Board of Education officials, school district superintendents, school principals, teachers, union representatives, and parents about fees charged in San Diego County public schools. State and local laws were examined. Regulations and procedures were reviewed regarding collection and administration of discretionary versus mandatory funds. Teacher and parent contributions were examined.

DISCUSSION

In the past decade fees for items (such as sports physicals, summer school and high school transcripts) have been imposed at an ever increasing rate on a number of school activities that impact free and quality education.

The Grand Jury investigation reviewed the current economic status of education in San Diego County. The review addressed influences on schools to institute fees and efforts to conform to laws requiring a free education for all.

Eighth grade mathematics and reading scores in California schools were ranked 30th in the nation in 1990 and 49th in 2011.⁶ This is one possible effect of the continuing budget crisis for education in California. A California Assemblyman, speaking about the Education Budget in 2012 said, “We have hit them (the schools) so hard by taking so much money. They need to manage in a desperate time. They’re counting pennies.”⁷

Many factors have contributed to the implementation of fees in the public schools. Managing the costs of operating school districts as populations increase and resources decrease in the face of rising inflation is increasingly difficult. Political pressure to control the tax-based costs of education has reduced the revenue available in school budgets from both federal and state allotments. Recent news reports indicate the State of California is likely to continue its reduction of funding for education in the future.⁸

The “free education for all” guaranteed in the California Constitution has created a gap in recent years between programs required by schools and funding from the State. These differences have been funded in more diverse and creative ways by school districts. Public/private partnerships, grants from large philanthropic foundations, donations from small groups, professional sports teams, and private corporations are but a few funding sources.

⁵ Kucher, *School Leaping into Digital Age, Issuing iPad to Every Student*, Union Tribune (02/15/12)

⁶ National Assessment of Educational Progress, National Report Card, State Comparisons, 8th Grade Math & Reading, (2011)

⁷ *Taxes vs. trigger cuts*, San Diego UT (Feb. 7, 2012) page A2

⁸ *Taxes vs. trigger cuts*, San Diego UT (Feb. 7, 2012) page A2

The Grand Jury found that in the past monies raised by school foundations, Parent Teacher Association (PTA) groups and Parent Teacher Student Association (PTSA) groups had been used for extras. Today, some of these funds are being used to prevent layoffs, keep school libraries open, and save music and foreign-language classes.⁹ California K-12 foundations, PTA groups and booster clubs raised about \$1.3 billion in 2007. That figure increases each year¹⁰.

The Grand Jury found that while all teachers agreed that schools provided basic supplies, they had reservations about these resources being adequate to meet the needs of their classroom.

Every interview showed that teachers are creative in the ways they remedy inadequate classroom materials. They rely on parents to make voluntary contributions and they look to PTAs, PTSAs, foundations and booster clubs for support. In addition teachers make significant contributions out of their own pockets. While no definitive data were found for San Diego County, nationwide research showed that teachers' personal contributions were \$1.5 billion for the school year 2009/2010.¹¹ In California, K-12 foundations, PTAs and booster clubs raise about \$1.3 billion dollars.¹²

Administrators state they have a clear understanding of what is included in a free education. They believe there is a clear understanding among their staff members as to which fees are allowed and which are not under the free education mandate.

Some school districts provided legal consultation and training on this issue at every level of school personnel. They have staff members available to provide internal audits of school collection practices and funds collected.

In the past decade fees have been imposed on an ever increasing number of school activities. The California Constitution, in its definition of a free education, allows for exceptions. Examples of allowable fees are:

- transportation to and from school
- any athletic or cheerleading uniform that is different from the basic uniform
- transportation to and from off campus events
- food and lodging for off campus events
- school entry and sports physicals
- high school transcripts beyond the basic free transcript

Parents are sometimes unclear as to which fees are mandatory and which are discretionary. There is no uniform set of standards throughout San Diego County school districts regarding mandatory and discretionary fees. Mandatory fees are more clearly understood than discretionary fees. There was confusion on this issue among non-staff groups.

Each school district must interpret the fee issue for themselves, and must spend their own resources for implementation and monitoring. All interviewees wanted a uniform policy throughout the county regarding mandated and discretionary school fees.

⁹Yang Su, *Foundations Funding More Basic School Needs*, U-T San Diego (Jan. 19, 2012)

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¹¹Maple, *Teachers Spend Over a Billion on School Supplies*, babble.com (Sept. 9, 2010), page 1

¹² Yang Su, *Foundations Funding More Basic School Needs*, U-T San Diego (Jan. 19, 2012)

FACTS AND FINDINGS

Fact: Most school district superintendents (administrators) interviewed believe that their staff understands what is included in a free education.

Fact: Most school districts have provided legal consultation and training for every level of school personnel.

Fact: Training for some part-time coaches and ad hoc parent groups is not well structured.

Fact: Administrators agreed that allowable fees are charged for:

- Sport and cheerleading uniforms that are different from the standard school uniform
- School entry and sports physicals
- Food, lodging, transportation to off campus events
- Transportation to and from school

Finding 01: Administrators believe that fee issues have been resolved by education, training, and oversight.

Finding 02: Part-time coaches and volunteer personnel seem uncertain about when and how to communicate the fact that most fees are discretionary. Training for these groups is inconsistent.

Finding 03: PTA and PTSA members are sometimes confused in communication with parents concerning which fees are discretionary.

Fact: All districts studied have received guidelines from their school district and ACLU counsel.

Fact: Administrators have a training program in place to assist school personnel at each level to understand the difference between a mandatory school fee and an elective school fee.

Fact: Some principals found that PTA, PTSA, part-time staff volunteers and ad hoc groups are confused when school credit is given for elective events such as intramural sport, cheerleading, band and art.

Finding 04: Training for some part-time staff, volunteers, ad hoc groups and parents is not reaching everyone on a consistent basis.

Fact: Teachers are trained in writing requests for materials from parents to verify that they understand that their contributions are voluntary.

Finding 05: Parents understand these requests, no matter how carefully worded, as mandatory fees.

Fact: The administrators interviewed agreed that their schools are required to provide basic school supplies, e.g. paper, pencils, pens, crayons, P.E. clothes, band and cheerleading uniforms, sporting and musical equipment and art supplies.

Fact: Many classroom teachers and active parent groups interviewed find these supplies to be inadequate.

Fact: Elementary school teachers spend personal time and money to insure their students' success.

Fact: National Survey results showed that teachers spent \$1.5 billion out of their own pocket in 2010. (Data for San Diego County are not available.)

Finding 06: The issue of inadequate supplies is addressed in a variety of ways. Contributions are received from booster groups, foundations, parents and teachers.

Finding 07: Every past and present classroom teacher interviewed said that they contributed money from their own pocket. The range of contribution was a low of \$200 annually to a high of \$6000. In the lower grades (K-8) teachers are more likely to contribute out of their own pocket to the needs of their classrooms.

Finding 08: In high schools, parents are more likely to be asked to contribute to tax-exempt corporations for school-wide needs.

Fact: Every school district must abide by the laws regarding mandatory and discretionary fees.

Fact: There is no uniform policy across districts regarding training, implementation and monitoring of school fee requirements.

Fact: Every interviewee believed there should be a county wide uniform policy regarding school fees.

Finding 9: In the absence of uniform guidelines, each school district must develop its own policy and procedure for monitoring and collecting fees. This causes duplication of effort and quite possibly duplication of funds for personnel to administer these programs.

RECOMMENDATIONS

The 2011/2012 San Diego County Grand Jury recommends that the Superintendant of the San Diego County Office of Education:

- 12-27:** Develop and administer county-wide uniform regulations and training guidelines for schools regarding fee structure in conformity with State Law.
- 12-28:** Restructure budgets for this service from school districts and shift the cost to the San Diego County Office of Education.

COMMENDATION

The San Diego County Grand Jury wishes to commend all past and present teachers for the amount of time they spend outside of the classroom and the amount of money they spend out of their own pockets to ensure the success of their students.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date</u>
Superintendent, San Diego County Office of Education	12-27, 12-28	8/15/12